

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

ROBERT LEE WILLIAMS

PLAINTIFF

v.

No. 4:02CV119-P-A

LARRY LUCAS, ET AL,

DEFENDANTS

ORDER OF DISMISSAL

This matter is before the court, sua sponte, for consideration of dismissal. The *pro se* prisoner plaintiff, an inmate at the Mississippi State Penitentiary, has filed a complaint under 42 U.S.C. § 1983. The complaint alleges that the defendants have retaliated against him because he files so many grievances.

The Prison Litigation Reform Act was enacted in April 1996. This Act provides, *inter alia*, at 28 U.S.C. § 1915(g)

In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

Three of the plaintiff's *pro se* cases have previously been dismissed in the United States Court for the Southern District of Mississippi as frivolous or for failure to state a claim upon which relief could be granted. *See* 5:95CV60BrN, 5:95CV47BrN, and 5:94CV146BrN. In addition, this court has dismissed – for failure to state a claim upon which relief could be granted – two cases filed after the instant case. *See Williams v. Pennington*, 4:02CV68-P-A, *Williams v.*

Legg, 4:04CV114-P-A. Therefore, the plaintiff has accumulated five strikes and has been an abuser of his in forma pauperis privileges. It is therefore

ORDERED:

- 1) That the instant case is hereby **DISMISSED**;
- 2) That pursuant to 28 U.S.C. § 1915(g), the plaintiff is barred from filing any future *pro se in forma pauperis* complaints without permission of one of the judges of the court.
- 3) That any motions pending in this case are hereby **DISMISSED** as moot.
- 4) That this case is **CLOSED**.

This, the 14th day of November, 2004.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE